

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GAYLE ROSE,)
)
Plaintiff,)
)
v.) No. 07-2404-JPM/tmp
)
MATRIXX INITIATIVES, INC. and)
ZICAM, LLC,)
)
Defendants.)

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Before the Court is Defendants' Motion for Summary Judgment (D.E. 40), filed September 12, 2008. Plaintiff responded in opposition on September 26, 2008 (D.E. 47). The parties further stipulated on January 8, 2009 that should the Court adopt the Magistrate Judge's Report and Recommendation on Defendant's Motion to Exclude the Expert Testimony of Terence M. Davidson, M.D. (D.E. 60) and excluded Davidson's testimony, then the Court should also grant Defendants' motion.

The Court has adopted the Magistrate Judge's Report and Recommendation (D.E. 68) and in accordance with the stipulation, hereby GRANTS Defendants' Motion for Summary Judgment.

So ORDERED this 31st day of March, 2009.

s/ JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE